

No. PD – 1247-18
In the Court of Criminal Appeals of Austin, Texas

SYDNEY ALEX WORK
APPELLANT
V.
STATE OF TEXAS
APPELLEE

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ON APPEAL FROM
THE DISTRICT COURT
35TH JUDICIAL DISTRICT

FILED
COURT OF CRIMINAL APPEALS
3/29/2019
DEANA WILLIAMSON, CLERK

MOTION FOR EXTENSION OF TIME TO FILE BRIEF

NOW COMES the State of Texas, Appellee in the above-entitled and numbered cause, and in support of this its Motion for Extension of Time to File Brief would respectfully show the Court as follows:

On January 9, 2019, this Court granted Appellant's Petition for Discretionary Review.

State's brief is due March 29, 2019. The number of extensions previously requested is: NONE.

Due to time constraints created as a result of the office's appellate attorney being involved in several appellate issues and trial court dockets, the State has not fully completed its brief in support of its position on discretionary review. The State's appellate attorney has been involved in: docket call on February 28, 2019 for the March 18, 2019 trial docket; Preparation for Court Docket on March 1, 2019: State v. Terry Browder (Cause Number CR26071 - Bench Trial), State v. Jerry Thompson (Cause Number CR26384 - Plea

Negotiation Conference), and State v. Bryan Temple (Cause Numbers CR24346 & CR24231 - Bond Increase Hearing); Court Docket on March 1, 2019 involving above listed cases; preparation and witness meetings for Jury Trial set March 4, 2019, and jury trial on State v. Jaime Arredondo (Cause Number CR25322– Possession of a Controlled Substance with Intent to Deliver - Drug Free Zone) on March 4, 2019 through March 7, 2019; bond hearing on State v. Damon Beard (Cause Numbers CR26148, CR25755, & CR25791) – set on March 7, 2019; preparation for and appearance at motion to revoke docket set on March 11, 2019; court appearances on State v. Ralph Valdez (Cause Number CR25202 - Open Plea that resolved by agreement), State v. Rita Cone (Cause Number – Sentencing), State v. Charles Bishop (Cause Number CR25406 - Plea Negotiation Conference) State v. Eugene Bishop (Cause Number CR25852 – Plea Negotiation Conference), and State v. Rodney Leatherman (Cause Number CV1512428 – forfeiture hearing) set on March 12, 2019; preparation of cases for the April 1, 2019 trial docket (filing deadline on March 12, 2019); bench trial on State v. Leroy Pickens (Cause Number 3274 in Mills County); docket call on March 14, 2019 for the April 1, 2019, Trial Docket; personal sick leave on March 19, 2019; Witness meetings in State v. Garrett Curtis (CR26390) and State v. Jason Smith (CR25991) on March 25, 2019; preparation of cases set for trial on April 15, 2019 (filing deadline of

March 26, 2019); docket call on March 28, 2019 for the April 15, 2019; presenting search and seizure law training at Law Enforcement Center on the morning of March 27, 2019; negotiation and court appearance for a plea to information in State v. Brandon Melot (CR26686) on March 27, 2019; preparation of cases for revocation docket set on April 8, 2019; witness meetings on March 28 and 29, 2019 for Acey Sliger (Cause Number CR26001) set for trial as the number one case on April 1, 2019. The State has invested several hours in working on this brief, but has not yet completed it.

Furthermore, one of the Assistant District Attorneys for the 35th Judicial District suffered a brain aneurysm on February 22, 2019. This attorney has not been able to return to the office as of this date. As a result of a small office (4 attorneys) being short by one attorney, the undersigned attorney has had to take on additional responsibilities including assisting in the preparation of cases for grand jury, reviewing documents (such as affidavits of non-prosecution and search warrants), additional court dates and taking on a larger number of assigned cases for trial dockets.

Counsel has previously invested a significant hours on this appeal, but due to the unforeseen office shortages, has been unable to resume working on it.

Therefore, the Appellant requests an additional thirty (30) days for the preparation of its brief. The request is made not for the purpose of delay but that justice may be done.

Respectfully submitted,

/S/ Elisha Bird

ELISHA BIRD

Assistant District Attorney

State Bar No. 24060339

200 S. Broadway, Brownwood, TX 76801

Tel: 325-646-0444 Fax: 325-643-4053

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Motion was electronically mailed to Keith Hampton, Attorney at Law at keithshampton@gmail.com on the 29th day of March, 2019.

/S/ Elisha Bird

ELISHA BIRD

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Motion was electronically mailed to the State Prosecuting Attorney, Stacey Soule at information@spa.texas.gov on the 29th day of March, 2019.

/S/ Elisha Bird

ELISHA BIRD

CERTIFICATE OF COMPLIANCE

This document complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 860 words, excluding any parts exempted by Tex. R. App. P. 9.4(i)(1).

/S/ Elisha Bird

ELISHA BIRD